MONTANA
ADMINISTRATIVE
REGISTER

ISSUE NO. 23 – DECEMBER 5, 2025

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MONTANA
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BOARD OF PUBLIC EDUCATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-479.1

Summary

Amendment of ARM 10.54.901 through 10.54.903 pertaining to the Early Literacy Targeted Interventions Standards and ARM 10.63.101 through 10.63.107, 10.63.109, and 10.63.115 pertaining to the Early Childhood Education Standards

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Hearing Date and Time

Tuesday, January 6, 2026, at 10:00 a.m.

Virtual Hearing Information

Please click the link below to join the webinar:

https://mt-gov.zoom.us/j/81268592378

Comments

Comments may be submitted using the contact information below. Comments must be received by Tuesday, January 6, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 23, 2025, at 5:00 p.m.

Contact

McCall Flynn
(406) 444-6576
bpe@mt.gov

General Reasonable Necessity Statement

In 2023, Representative Brad Barker (House District 55) sponsored House Bill 352 to provide targeted interventions to support third grade reading proficiency. The bill established duties of the Board of Public Education to identify an evaluation methodology to determine whether the child is above, at, or below a developmental trajectory leading to reading proficiency upon completion of third grade. The Board of Public Education was also required to choose a home-based early literacy program and design a framework for jumpstart programs for early literacy targeted interventions in schools.

Building upon this foundation, in 2025, Representative Melissa Romano (House District 80) sponsored House Bill 338 to provide targeted interventions to support third grade numeracy proficiency. The bill established duties of the Board of Public Education to identify an evaluation methodology to determine whether the child is above, at, or below a developmental trajectory leading to numeracy proficiency upon completion of third grade. It also allowed for enrollment and program screening year-round.

The Board of Public Education proposes these rules to align to the requirements in statute and maintain consistency throughout other necessary rules. ARM Title 10, chapter 54, subchapter 9 will be renamed "Early Targeted Interventions."

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

10.54.901 EVALUATION METHODOLOGY FOR EARLY LITERACY TARGETED INTERVENTIONS

(1) The local board of trustees shall adopt and ensure use of an evaluation methodology to identify, enroll, and admit children to early ~~literacy~~ targeted interventions. The evaluation methodology used must be overseen by and include application of professional judgment of qualified employees. A child may not be evaluated for the purposes of these interventions unless requested by the child's parent or guardian. The district must maintain evidence of the request. The

evaluation methodology ~~may be administered in April, May, or June, and~~ must assess at least one of the following literacy skills:

(a) For four-year-olds:

(i) oral language;

(ii) phonological awareness;

(iii) alphabet knowledge.

(b) Prior to kindergarten:

(i) oral language;

(ii) phonological awareness;

(iii) alphabet knowledge.

(c) Prior to first grade:

(i) phoneme awareness;

(ii) listening comprehension;

(iii) developmental spelling;

(iv) vocabulary (expressive or receptive);

(v) word reading (nonsense or real);

(vi) reading composite.

(d) Prior to second grade:

(i) listening comprehension;

(ii) developmental spelling;

(iii) vocabulary (expressive or receptive);

(iv) word reading (nonsense or real);

(v) connected text reading fluency;

(vi) connected text accuracy;

(vii) reading composite.

(e) Prior to third grade:

(i) developmental spelling;

(ii) vocabulary (expressive or receptive);

(iii) word reading (nonsense or real);

(iv) connected text reading fluency;

(v) connected text accuracy;

(vi) reading comprehension;

(vii) reading composite.

(2) The list of approved evaluation methodology screening tools must be reviewed in odd years through a process of review complying with the provisions of Title 2, chapter 3, MCA, to ensure continuous adherence to developmentally appropriate and research-based screening tool requirements. Any changes to the list must be published and made publicly available by the Board of Public Education no later than 30 days after adoption of any changes. The removal of an evaluation methodology screening tool shall not be effective until July 1 following such removal.

(3) A local board of trustees adopting and using one of the approved evaluation methodology screening tools shall be construed to have complied with this rule.

(a) Use of one of the approved evaluation methodology screening tools shall not, however, be required, provided that the district's adopted evaluation methodology screening tool conforms to the requirements of (1).

(4) For the purposes of this rule, "evaluation methodology" means an age-appropriate research-based methodology, instrument, or assessment selected by the Board of Public Education to determine, based on a child's age or grade level, whether the child is above, at, or below a developmental trajectory leading to reading or math proficiency on completion of third grade.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-1803, MCA

10.54.902 JUMPSTART PROGRAM FRAMEWORK FOR EARLY ~~LITERACY~~ TARGETED INTERVENTIONS

(1) The local board of trustees may offer a jumpstart program to support early ~~literacy~~ targeted interventions based on evaluation methodology identified in ARM 10.54.901 as aligned to the Montana Early Childhood Education Standards and the Montana Content Standards for English Language Arts and Literacy and Mathematics.

(2) The jumpstart program must be overseen by and include application of professional judgment of qualified employees and must be designed in a manner to increase the

likelihood of a child being evaluated at the end of the ensuing school year to be at or above a trajectory leading to reading or math proficiency at the end of third grade.

(3) For the purposes of this rule, "jumpstart program" means a program that is at least four weeks in duration and provides at least 120 instructional hours and takes place during the time between the end of one school calendar year and the start of the next school calendar year, as determined by the trustees, preceding a child's entry into kindergarten, first grade, second grade, or third grade.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-1803, MCA

10.54.903 ~~EARLY NUMERACY INTEGRATION FOR 2025-26 SCHOOL YEAR~~ EVALUATION METHODOLOGY FOR EARLY NUMERACY TARGETED INTERVENTIONS

(1) ~~A local school district that administered the evaluation methodology for early literacy targeted interventions in accordance with ARM 10.54.901 in preparation for the 2025-2026 school year may admit qualified students in the classroom-based program for 4-year olds.~~ The local board of trustees shall adopt and ensure use of an evaluation methodology to identify, enroll, and admit children to early targeted interventions. The evaluation methodology used must be overseen by and include application of professional judgment of qualified employees. A child may not be evaluated for the purposes of these interventions unless requested by the child's parent or guardian. The district must maintain evidence of the request. The evaluation methodology must assess at least one of the following numeracy skills:

(a) For four-year olds:

(i) number naming;

(ii) one-to-one correspondence;

(iii) oral counting;

(iv) quantity comparison.

(b) Prior to kindergarten:

(i) number naming;

(ii) one-to-one correspondence;

(iii) oral counting;

(iv) quantity comparison;

(v) cardinality.

(c) Prior to first grade:

(i) oral counting;

(ii) quantity comparison;

(iii) cardinality;

(iv) subitizing;

(v) numeral identification;

(vi) math composite.

(d) Prior to second grade:

(i) subitizing;

(ii) number order;

(iii) strategic counting;

(iv) numeral identification;

(v) number comparison;

(vi) addition and subtraction;

(vii) math composite.

(e) Prior to third grade:

(i) numeral identification;

(ii) number comparison;

(iii) addition and subtraction;

(iv) problems in context;

(v) math composite.

(2) ~~The early targeted interventions may include both English Language Arts and Literacy and Mathematics and Numeracy Content Standards as described in ARM 10.63.110(2).~~ The list of approved evaluation methodology screening tools must be reviewed in odd years through a process of review complying with the provisions of Title 2, chapter 3, MCA, to ensure continuous adherence to developmentally appropriate and research-based screening tool requirements. Any changes to the list must be published and made publicly available by the Board of Public Education no later than 30 days after adoption of any changes. The removal of an evaluation

methodology screening tool shall not be effective until July 1 following such removal.

(3) A local board of trustees adopting and using one of the approved evaluation methodology screening tools shall be construed to have complied with this rule.

(a) Use of one of the approved evaluation methodology screening tools shall not, however, be required, provided that the district's adopted evaluation methodology screening tool conforms to the requirements of (1).

(4) For the purposes of this rule, "evaluation methodology" means an age-appropriate research-based methodology, instrument, or assessment selected by the Board of Public Education to determine, based on a child's age or grade level, whether the child is above, at, or below a developmental trajectory leading to reading or math proficiency on completion of third grade.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.101 APPLICATION AND PROCEDURES

(1) The early childhood education standards are focused on developmentally appropriate supports and strategies to enhance learning outcomes for a child between the ages of 3 and 5 for preschool programs and between the ages of 4 and 5 for early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten. Use of these standards for a public preschool program is subject to the funding limits of 20-7-117(2) and 20-9-311(7)(a), MCA. Use of these standards for early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten is subject to the provisions of Title 20, chapter 7, part 18, MCA.

(2) The trustees of a school district, pursuant to Title 20, chapter 6, MCA, may establish a public early childhood education program to meet the unique developmental needs for children between the ages of 3 and 5 for preschool programs and between the ages of 4 and 5 for early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten. When early childhood education programs are established they must be an integral part of the public school and must be governed according to the following accreditation standards for the early childhood education standards of early learning content and accreditation in coordination with the standards outlined for schools within ARM Title 10, chapter 55, excluding

10.55.601, 10.55.602, 10.55.603, 10.55.704, 10.55.705, 10.55.709, 10.55.710, 10.55.712, 10.55.715, and ARM Title 10, chapter 55, subchapters 10 through 21. For the purposes of the accreditation process detailed in ARM 10.55.606, early childhood education programs will be assessed on the program's assurance standards only.

(3) Early childhood education programs shall meet this chapter's curriculum, instruction, and program delivery standards, supporting children's development of the knowledge and skills outlined in the content standards in ARM 10.63.110, which describe the expectations for what young children should know, understand, and be able to do across the four core developmental domains of learning upon entrance to kindergarten.

(4) Montana's early childhood education standards shall be reviewed and revised on a recurring schedule with input from representatives of accredited schools.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.102 DEFINITIONS

(1) For the purposes of this chapter, the following terms apply:

(a) "Accreditation" means certification by the Board of Public Education that a school meets the adopted standards of the Board of Public Education for a specified school year.

(b) "Assessment" means the gathering, organizing, and evaluation of information about student learning in order to monitor and measure student learning, the effectiveness of the instructional program, and to inform local policies and decisions.

(c) "Developmental domain" means the broad, interrelated categories or dimensions of early childhood development reflective of early childhood education children's learning and growth. The four core domains include social and emotional, physical, language, and cognitive.

(d) "Early childhood curriculum" means an articulated educational plan for young children, which is grounded in research-based understandings of child development and developmentally appropriate practices. Curriculum guides the teaching process from identifying what to teach, including early content standards in each of the four developmental domains and how to teach,

including developing learning experiences based upon individual and group outcomes, and assessing what was learned then using this data to inform future planning and teaching. For early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten, the curriculum must embrace the four developmental domains while focusing on the subjects of literacy and numeracy with a goal of establishing a trajectory leading to reading or math proficiency at the end of third grade.

(e) "Learning center" means a self-contained area of the classroom featuring a wide variety of hands-on materials that children can choose and use independently which are organized around a curriculum area (science, math, art, music, dramatic play, literacy) or a specific kind of play material (blocks, sensory, manipulative).

(f) "Paraprofessional" means an adult with the qualifications detailed in ARM 10.63.105 who works under the direct supervision of a teacher and who may work independently in a teacher's absence, but for the majority of the time works directly with the teacher in the same space with the same group of students.

(g) "Teacher" means a licensed individual as defined in ARM 10.55.602, with primary responsibility for a group or class of early childhood education students.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.103 LEADERSHIP

(1) The early childhood education program leadership shall effectively implement policies, procedures, and systems that support stable staff and strong personnel, fiscal, and program management so all students, families, and staff have high-quality experiences.

(2) Professional development for early childhood education educators as required by ARM 10.55.714 should be tailored to early childhood development and learning.

(3) Professional development completed by elementary (K-8) educators providing early ~~literacy~~ targeted interventions should be tailored to such interventions. The elementary (K-8) educators providing early ~~literacy~~ targeted interventions, the employing districts, and accredited educator preparation providers, pursuant to

ARM 10.58.102, are encouraged to collaborate to develop professional development options that support attainment of qualifications leading to an early childhood education (P-3) endorsement.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.104 TEACHER ASSIGNMENTS AND QUALIFICATIONS FOR PUBLIC PRESCHOOL AND EARLY ~~LITERACY~~ TARGETED INTERVENTIONS

(1) Teachers shall be assigned at the levels for which they are licensed and endorsed in accordance with state statutes and Board of Public Education rules.

(2) Teachers with an early childhood (P-3) endorsement shall be considered to be appropriately licensed, endorsed, and assigned to teach in an accredited preschool program.

(3) While teachers with an early childhood (P-3) endorsement are encouraged, teachers with either an early childhood (P-3) endorsement or an elementary (K-8) endorsement shall be considered to be appropriately licensed, endorsed, and assigned to teach early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten. Teachers with an elementary (K-8) endorsement who are teaching early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten are encouraged to pursue professional development as outlined in 10.63.103 to ensure delivery of high-quality early ~~literacy~~ targeted interventions.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.105 EARLY CHILDHOOD PARAPROFESSIONAL QUALIFICATIONS

(1) Early childhood paraprofessionals must have:

(a) completed two years of study at an institution of higher education; or

(b) obtained an associate's (or higher) degree; or

(c) a high school diploma and meet a rigorous standard of quality and be able to demonstrate knowledge of and the ability to assist in the delivery of the curriculum, instruction, and program delivery standards to support students' development of the knowledge and skills outlined in the early learning content standards.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.106 EARLY CHILDHOOD PARAPROFESSIONAL SUPERVISION

(1) Early childhood paraprofessionals shall be under the direct supervision of a licensed teacher who is responsible for instruction and assessment of students.

(2) Early childhood paraprofessionals assigned to assist students with special education needs shall be under the supervision of the teacher.

(3) The supervising teacher shall be available while an early childhood paraprofessional is fulfilling his or her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.107 CLASS SIZE

(1) There must be one appropriately licensed and endorsed teacher for ~~ten~~ 10 students, ~~with an early childhood paraprofessional for any additional students over ten,~~ for up to no more than 18 total students in a classroom with two adults. ~~The school district must assign qualified human resources that comply with all fingerprint and background check requirements when exceeding maximum class sizes at a rate of 1 1/2 hours per day, per student overload. An overload of five students per classroom is considered excessive.~~

(2) With classrooms exceeding 10 students, an early childhood paraprofessional is required at a rate of one hour per day, per student overload up to 16 students. At

16 to 18 students, a minimum of one appropriately licensed and endorsed teacher and one early childhood paraprofessional is required.

(3) School districts are encouraged to exceed these standards for classrooms exceeding 10 students with additional staffing beyond the requirements in (2).

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.109 ENROLLMENT ELIGIBILITY

(1) A child must have reached three years of age before the districts' official start date of the preschool program or have been enrolled by special permission by the board of trustees.

(2) A child who is 4 years of age or older on or before September 10~~th~~ of the year in which the child is to participate in early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten and who has not completed kindergarten and who is determined through the evaluation methodology process outlined in ARM 10.54.901 or 10.54.903 to be below a trajectory leading to reading or math proficiency at the end of third grade is eligible for enrollment in early ~~literacy~~ targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

10.63.115 FAMILY AND COMMUNITY ENGAGEMENT

(1) The early childhood education program staff shall establish and maintain collaborative relationships with each child's family and community to foster the student's development in all settings.

(2) To ensure collaborative relationships between the community, school, and families, early childhood education programs shall have protocols which:

(a) establish intentional practices designed to foster strong reciprocal relationships with families;

(b) ensure that families are an integral part of the decision-making team through communication and family conferences which promote dialogue and partnership regarding their student's educational goals and services;

(c) collaborate with families to help students participate successfully in early childhood settings;

(d) ensure that all families, regardless of family structure, socioeconomic, racial, religious, and cultural diversity, gender, abilities, or preferred languages are included in their child's educational experience;

(e) assist families in locating, contacting, and using community resources that support the student's well-being, development, and goals;

(f) promote awareness and understanding of the unique legal and political structures of Montana Tribal Nations in order to best meet the needs of Indian students and families;

(g) collaborate with community-based programs to ensure that parents and families have the resources they need to be involved in their student's education, growth, and development; and

(h) provide access to health screenings and referrals for all students in the program.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

Small Business Impact

The Board of Public Education adopts rules that primarily impact teachers, administrators, and school district operations. The board works in cooperation with public schools across the state to implement the rules that are adopted. Given that the board does not work directly with small businesses, the small business impact analysis performed as required under 2-4-111, MCA, indicates that no small businesses are likely to be directly impacted by the proposed rule changes.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor was contacted by email on May 7, 2025.

Interested Persons

The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by email unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the board.

Rule Reviewer

McCall Flynn

Approval

Dr. Tim Tharp

Board Chair

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OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-519.1

Summary

The Office of the Commissioner of Political Practices (COPP) proposes to adopt a new rule, ARM 44.11.410, pertaining to the reporting of campaign contributions from limited liability companies and partnerships.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 500.

Comments

Comments may be submitted via email at cppcompliance@mt.gov or via fax at (406) 444-1643. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 19, 2025, at 5:00 p.m.

Contact

Scott Cook
(406) 444-2942
cppcompliance@mt.gov

General Reasonable Necessity Statement

COPP proposes the adoption of a new rule, ARM 44.11.410, to clarify how candidates are to report contributions received from limited liability companies or partnerships, pursuant to the 2025 Montana Legislature's passage and approval of House Bill 759.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 (44.11.410) LIMITED LIABILITY COMPANY AND PARTNERSHIP CONTRIBUTIONS TO CANDIDATES - LIMITATIONS AND REPORTING

(1) For the purposes of this rule, "candidate" and "contribution" have the meaning as defined in 13-1-101, MCA.

(2) Any contribution received by a candidate from a limited liability company or partnership shall be reported using the name of the individual member or partner making the contribution. A contribution made by more than one member or partner shall be reported as a contribution from each individual member or partner in proportion to that member's or partner's percentage of ownership or other percentage agreed upon by the members. It is not necessary to report the name of the limited liability company or partnership.

(3) An individual making a contribution through a limited liability company or partnership is subject to the individual contribution limits established in 13-37-216(1), MCA, and ARM 44.11.227. Contributions made through a limited liability company or partnership are aggregated with all other contributions made by that individual in determining compliance with contribution limits.

(4) Upon receiving a contribution from a limited liability company or partnership, the candidate's campaign shall obtain a written tax classification and allocation attestation which states:

(a) the tax classification of the limited liability company or partnership;

(b) the name of each individual partner or member responsible for making the contribution and the amount of the contribution attributable to each individual partner or member.

(c) each individual responsible for making the contribution has agreed to the contribution and is aware of the applicable contribution limits.

(5) COPP shall provide standardized forms for the tax classification and allocation attestation. A campaign may use forms provided by COPP or substantially similar forms which include all information required under (4). All attestations must be included in the campaign treasurer's recordkeeping obligations pursuant to 13-37-207 and 13-37-208, MCA.

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): [House Bill 759]

Small Business Impact

The proposed rule changes will impact candidates seeking election to public office and certain limited liability companies and partnerships whose members make campaign contributions to candidates. COPP has determined that there will not be a direct probable significant impact to small businesses.

Bill Sponsor Notification

COPP contacted HB 759 sponsor Representative Randyn Gregg via email prior to submission of this proposal notice and offered a timeline for submittal and the opportunity to comment on the proposal.

Interested Persons

COPP maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and e-mail address of the person wishing to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be sent to COPP via email.

Rule Reviewer

Scott Cook

Approval

Chris J. Gallus, Commissioner of Political Practices

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BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-122.1

Summary

Implementation of House Bill 246 regarding substantial equivalency and House Bill 435 regarding professional license discipline and general revision of board rules

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Hearing Date and Time

Tuesday, December 30, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/88574245231

Meeting ID: 885 7424 5231; Password: 1246468266

Dial by Telephone: +1 646 558 8656

Meeting ID: 885 7424 5231; Password: 1246468266

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 23, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.162.301 DEFINITIONS

~~(1) "Clock hour" shall mean 60 minutes of formal instruction by an approved presenter.~~

~~(2)~~(1) "Health care facility" shall mean licensed long-term facility, or licensed acute care facility, as defined by 50-5-301(2)(b)(i), MCA.

Authorizing statute(s): 37-9-203, MCA

Implementing statute(s): 37-9-203, 37-9-301, MCA

Reasonable Necessity Statement

There is reasonable necessity to strike the definition of “clock hour” because the term is used in its common understanding and because the phrase is not used in these rules.

24.162.415 GENERAL REQUIREMENTS

(1) The license, together with evidence of current validation, shall be conspicuously displayed within the facility served by the licensee.

~~(2) Each licensee shall:~~

~~(a) file the licensee's current mailing address with the board; and~~

~~(b) notify the board office in writing or electronically of any and all changes which occur within ten days of the address change.~~

Authorizing statute(s): 37-9-203, MCA

Implementing statute(s): 37-9-203, MCA

Reasonable Necessity Statement

Section (2) is proposed to be stricken because it is unnecessary in light of statutory changes set forth in House (HB) 276 (2025) which requires all licensees to notify the board of address changes.

24.162.420 FEE SCHEDULE

(1) Applicant and licensee fees are as follows:

(a) application by examination $~~225~~ 150

(b) application by examination and ~~temporary~~ provisional license ~~425~~ 150

(c) application by credential ~~500~~ 200

(d) jurisprudence reexamination (each retake) 75

(e) active renewal ~~235~~ 125

~~(f) inactive renewal 100~~

(2) Additional standardized fees are specified in ARM 24.101.403.

(3) All fees are nonrefundable.

(4) The NAB examination fee and reexamination fee is set by the examination administrator, and is paid by the applicant directly to the examination administrator.

Authorizing statute(s): 37-1-131, 37-1-134, 37-9-304, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-1-141, 37-9-304, MCA

Reasonable Necessity Statement

The fees set forth in this rule are proposed to be reduced. There is reasonable necessity to do so in keeping with the board's obligations to ensure it keeps no more than twice its annual appropriation in cash in hand. In addition, the reduction in fees is expected to benefit licensees who will have reduced costs associated with maintaining or obtaining licensure.

24.162.501 APPLICATION AND DOCUMENTATION FOR LICENSURE

(1) ~~In addition to passing the examination referred to in ARM 24.162.504, an~~ An applicant must submit a completed application form documenting:

(a) education, training, experience, or a combination thereof totaling 1,200 points~~. The minimum accumulative point-value shall be 1,200 points.~~, as set forth below;

(b) passage of the national examination of the National Association of Long Term Care Administrator Boards; and

(c) a final score of at least 90% on the open book jurisprudence examination relating to the provisions of the Montana long-term care facilitating licensing law and regulation.

(2) An application shall be filed and must be accompanied by the required fee, which shall not be refunded.

(3) The application information furnished by each applicant shall be evaluated by the board and given point-value to determine whether the applicant has sufficient experience, education or training. The experience, education or training requirements are set out in (a) through (c) below.

(a) Experience will be accepted for categories set out in (i) through (iii) below. Designated points are given based upon 40 hours or more per week. Documented part-time employment will be prorated on a full-time employee (40 hours per week) status. An applicant seeking points for experience earned beyond the seven-year period preceding the application date will not be awarded points unless the application is accompanied with documentation of such experience. Adequate documentation consists of a supervisor's letter, Internal Revenue Service W-4 form, or employment evaluations signed by a supervisor or other official verification of employment.

(i) management experience in health care, with or without supervision, from the administration, no more than 200 points/year;

(ii) direct services experience providing health care services with direct patient contact, no more than 100 points/year;

(iii) support services (indirect experience) experience in health care facility(ies) with indirect patient contact, no more than 50 points/year;

(b) Credit for educational training will be given as set forth in (i) through (v) below. In the case where multiple degrees have been attained, credit shall be given for one degree only, according to the degree designated for credit by the license applicant.

(i) bachelor degree or higher in a health care or business field equals 1,200 points;

(ii) bachelor degree in any other field equals 800 points;

(iii) associate degree in a health care or business field equals 600 points;

(iv) associate degree in any other field equals 400 points;

(v) college/university course work in a health or business related course, (completed with a grade of not less than "C") equals 20 points/credit hour.

(c) Training seminars/workshops/short courses in health care and business equals one point per approved clock hour;

(d) Administrator-in-training (AIT) programs may be submitted for one point per clock hour credit for hours earned. Verification of clock hours must be documented and signed by the licensed active nursing home administrator.

(4) The applicant must submit a copy of all documents including transcript and diploma or degree, if applicable, to provide a sufficient basis for the board to evaluate the points earned by the applicant.

Authorizing statute(s): 37-1-131, 37-9-203, MCA

Implementing statute(s): 37-1-131, 37-9-203, 37-9-301, 37-9-304, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend (1) to include the testing provisions of ARM 24.162.504, which is proposed to be repealed. This permits all application requirements to be set forth in a single rule.

24.162.506 ~~TEMPORARY PERMIT~~ PROVISIONAL LICENSE

(1) An application for a ~~temporary permit~~ provisional license must be accompanied by the required fee, which will not be refunded.

(2) The ~~temporary permit~~ provisional license is valid until the applicant either fails the first national examination ~~for which the applicant is eligible~~ taken or passes the examination and is granted a license, but may not exceed six months.

(3) Only one ~~temporary permit~~ provisional license will be issued per applicant.

Authorizing statute(s): ~~37-1-319~~ [HB 414, Section 1], MCA

Implementing statute(s): ~~37-1-305~~ [HB 414, Section 1], MCA

Reasonable Necessity Statement

Terminology in this rule is proposed to be changed due to legislation. HB 414 (2025) standardized terminology for provisional licensing while continuing to provide boards the authority to set parameters for it. The rule is additionally proposed to be modified to recognize that examinations can be taken at any time. As a result, the provisional license is time limited to six months, which provides sufficient time for a licensee to take the examination, while not allowing an unlimited period for provisional licensing.

24.162.2301 UNPROFESSIONAL CONDUCT

~~(1) The board may suspend, revoke or take any other action in relation to the disciplining of the individual as the board in its discretion considers proper after an appropriate hearing or personal waiver of hearing rights.~~

~~(2)~~(1) The following ~~acts may subject the licensee to disciplinary action~~ is unprofessional conduct:

~~(a) willful and/or repeated violation of any board statutes or rule or the statutes or rules of any federal, state, county or city agency having licensing and regulation of nursing homes or administrators;~~

~~(b) conviction of a felony related to the practice of the profession by a court of competent jurisdiction, unless exempt by 37-1-203 , MCA;~~

~~(c) use of fraud, deceit or misrepresentation in the securing of a nursing home administrators license;~~

~~(d) being mentally and/or physically incompetent to engage in or act in the professional status as a nursing home administrator;~~

~~(e) use of alcoholic beverages or addictive drugs to the extent that it impairs the ability to practice the profession safely;~~

~~(f) diversion or appropriation of drugs or medications prescribed for residents in the nursing home;~~

~~(g)~~(a) failure to take appropriate action on an employee who diverts drugs or medications prescribed for residents;

~~(h)~~(b) acceptance of valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage;

~~(i) use of fraudulent, misleading or deceptive advertising;~~

~~(j) knowingly allowing an individual to falsely impersonate another licensee;~~

~~(k)~~(c) knowingly failing to exercise true regard for the safety, health, and welfare of the resident;

~~(l) willfully permitting unauthorized disclosure of information relative to the residents' records;~~

~~(m) disclosure or use of confidential information in the course of duties as a nursing home administrator which would further his/her own economic interests;~~

~~(n)~~(d) continuous failure, or allowing the continuous failure, of employees to comply with standards for the operation of the nursing home for which the administrator is responsible;

~~(o)~~(e) willful failure to correct deficiencies or failure to maintain corrective measures in the nursing home as cited by any agency of government which has nursing home administration responsibility~~.~~;

~~(p)~~(f) failing to maintain or provide accounting of or for residents' property or assets during their stay in the nursing home. However, the administrator shall be responsible only for that property with which he has been specifically entrusted by the resident, or that property over which the administrator has reasonable means of exercising security; and

~~(q)~~(g) allowing harassment or abuse of residents by employees~~;~~.

~~(r) failing to cooperate with an authorized investigation of a complaint; and~~

~~(s) violating orders of the board.~~

Authorizing statute(s): 37-1-131, 37-9-201, 37-9-203~~, 37-9-311~~, MCA

Implementing statute(s): 37-9-203, ~~37-9-311,~~ MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule because it is substantially duplicative of statute, particularly as amended by HB 435 (2025). Section (1) merely restates the board's obligation to consider matters before it. Subsections (1)(a) and (b) are duplicative of 37-1-316(1)(v), MCA. Subsection (1)(c) is duplicative of 37-1-316(1)(e), MCA. Subsection (1)(d) is duplicative of 37-1-316(1)(m), MCA. Subsection (1)(e) is duplicative of 37-1-316(1)(l), MCA. Subsection (1)(f) is duplicative of 37-1-316(1)(v), MCA. Subsection (1)(i) is duplictative of 37-1-316(1)(g), MCA. Subsection (1)(k) is duplicative of 37-1-316(1)(d), MCA. Subsections (1)(l) and (m) are duplicative of 37-1-316(1)(k), MCA. Subsection (1)(r) is duplicative of 37-1-316(1)(p), MCA. Subsection (1)(s) is duplicative of 37-1-316(1)(j), MCA. Section 37-9-311, MCA, is proposed to be stricken from authorizing and implementing citations because the statute has been repealed.

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 ADMINISTRATIVE SUSPENSION

(1) The board authorizes the department to:

(a) administratively suspend licenses for deficiencies set forth in 37-1-321(1)(a) through (e), MCA; or

(b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.

(2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-321, MCA

Reasonable Necessity Statement

Section 37-1-321, MCA, permits the board to authorize the department to take certain non-disciplinary actions regarding licensees who are out of compliance with administrative licensure requirements such as not meeting continuing education requirements, failing to respond to continuing education audits, not paying required fees, not meeting initial licensing requirements, and noncompliance with board final orders. The board authorized the department to take these actions previously by motion. Reasonable necessity exists to adopt this rule to formally, publicly, and accessibly reiterate that authorization, so the public and licensees are aware of the authorization.

NEW RULE 2 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Nursing Home Administrators publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt this rule. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

REPEAL

The rules proposed to be repealed are as follows:

24.162.502 MILITARY TRAINING OR EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

Reasonable necessity exists to repeal this rule, effective October 1, 2023, at the earliest, due to HB 583 (2023). That legislation amends 37-1-145, MCA, and eliminates the requirement for adoption by the board of a specific military training rule, setting forth specific obligations for the board to accept military experience for granting licensure. As such, the need for this rule is obsolete.

24.162.504 EXAMINATIONS

Authorizing statute(s): 37-1-131, 37-1-134, 37-9-203, 37-9-304, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-9-203, 37-9-301, 37-9-304, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because the substantive testing requirements are proposed to be incorporated into ARM 24.162.501. This modification favors clarity and brevity of administrative rules, and should make the rules easier for the public to use.

24.162.510 LICENSURE BY CREDENTIAL

Authorizing statute(s): 37-1-131, 37-9-203, MCA

Implementing statute(s): 37-1-131, 37-1-304, 37-9-203, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in light of the new substantial equivalency determinations proposed in this rulemaking. Specifically, the board is making determinations as to which states have substantially equivalent licensure; if they do, the applicant need not submit further documentation. The board will continue to consider nonroutine licensing applications from those licensed in non-substantially-equivalent states.

24.162.515 INACTIVE LICENSE

Authorizing statute(s): 37-1-134, 37-1-319, 37-9-203, MCA

Implementing statute(s): 37-1-134, 37-1-319, 37-9-203, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal the inactive license rule to eliminate the license status. There are presently 22 individuals in an inactive status.

Small Business Impact

There is not expected to be a significant and direct impact on small businesses. Those impacted are likely to be care facilities that employ licensed nursing home administrators.

The amendments to ARM 24.162.420 are expected to reduce total revenue from its current level of $126,250 annually by $71,685 to a new annual total of $54,565. This is expected to impact 472 licensees.

Bill Sponsor Notification

The primary bill sponsors were contacted by email on October 22, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Carla Neiman, Chair, Board of Nursing Home Administrators

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF REALTY REGULATION
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-349.1

Summary

Substantial Equivalency - Trust Accounts - Supervision - Criminal Convictions

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Hearing Date and Time

Monday, December 29, 2025, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/89854429450

Meeting ID: 898 5442 9450; Password: 9518929335

Dial by Telephone: +1 646 558 8656

Meeting ID: 898 5442 9450; Password: 9518929335

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, December 22, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill (HB) 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

The board is proposing two other new rules as discussed during its red tape relief initiative rule making. The board elected not to adopt the new rules at that time, preferring to gather more information. The board is proposing a change to its rule regarding applicants with criminal convictions, specifically to address applicants who have received a first-offense driving under the influence (DUI) conviction within the two years preceding licensure. The board has not denied any applications based on misdemeanor convictions over the past several years, and has

determined there is no reason to continue reviewing those applications, easing the path to licensure for applicants.

More specific reasonable necessity statements will follow each rule.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.210.420 APPLICANTS WITH CRIMINAL CONVICTIONS

(1) The board incorporates ARM 24.101.406 by reference with ~~no modifications~~ the following modification:

(a) Nonviolent misdemeanor convictions for driving under the influence (DUI) in (5)(a) are routine if the conviction date is more than one year before the application date, unless the applicant is still in custody due to the conviction.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

The board is amending this rule after reviewing many nonroutine applications where the applicant had a first offense DUI within the two years prior to the rule. The board has not denied or otherwise restricted the issuance of licenses unless the applicant is still in custody or still serving the terms of the sentence. The board proposes to narrow the window to first-offense DUIs within the year prior to application, as the applicant will likely have completed all sentencing terms unless the offense occurred within a year prior to application. The board will still review other DUIs as nonroutine if it is not a first offense and has occurred within the five years prior to application.

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the board's publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

See the general reasonable necessity statement.

NEW RULE 2 TRUST ACCOUNTS

(1) Brokers who receive any monies on behalf of other persons must deposit the funds in a trust account per 37-1-319, MCA, and maintain the account according to this rule. If funds are delivered to a third party, the broker must obtain and retain documentation of receipt by the third party.

(2) Trust accounts must be:

(a) liquid;

(b) readily accessible;

(c) insured in Montana financial institutions;

(d) identified as trust accounts; and

(e) reconciled each month having activity.

(3) Trust funds cannot be:

(a) maintained in sweep accounts; or

(b) invested in certificates of deposit, repurchase agreements, or any other method that places funds at risk.

(4) Brokers:

(a) may separately maintain multiple trust accounts;

(b) are responsible for all funds in and maintenance of their trust accounts;

(c) may delegate authority for trust account maintenance to another licensed broker. Both brokers are responsible for failure to comply with trust account requirements; and

(d) must deposit monies belonging to others into a trust account within three business days, unless otherwise agreed to by the parties.

(5) Trust funds may be maintained in interest-bearing accounts with interest payable to the broker or any other person. Interest payable to a broker must be identified as consideration for services performed and are personal funds unless otherwise designated.

(6) Brokers may deposit and hold in a trust account up to $1,000 of personal funds that include interest accrued to the broker.

(a) Personal funds may be distributed for trust account bank charges, related trust account maintenance expenses, and when due and payable to the broker.

(b) Money due the broker must be withdrawn within ten business days once due and payable.

(7) Brokers must maintain complete and chronological records of all trust account funds received and disbursed including personal funds. Each record must include a running balance and clearly identify for all transactions:

(a) dates;

(b) parties, payees, and sources of funds; and

(c) amounts received, disbursed, and deposited.

(8) Trust account records must be maintained to facilitate auditing.

(9) Trust funds must be retained in the trust account until the transaction is closed or terminated; however, trust funds may be disbursed to the closing agent in anticipation of closing upon written agreement of the buyers and sellers.

(10) At a client's instruction, trust funds otherwise due and payable from a trust account may be retained in the trust account although there is no purchase, lease, or rental agreement in existence, or when the transaction has been terminated.

(11) A broker is not entitled to any earnest money or other monies paid in connection with a real estate transaction as part or all of the commission or fee until the transaction has been closed or terminated. Division of forfeited earnest money between broker and seller must be pursuant to a written agreement.

Authorizing statute(s): 37-1-319, MCA

Implementing statute(s): 37-1-319, MCA

Reasonable Necessity Statement

This proposed new rule updates to more general and reasonable requirements for trust accounts and is replacing ARM 24.210.426 which is proposed for repeal. The board is simplifying and streamlining trust account standards to provide clear guidance regarding current trust account maintenance without overly burdensome regulation. Provisions adequately addressed in statute will not be unnecessarily repeated in this rule.

The board is removing the cautionary provision regarding potential discipline following a negative account balance from a dishonored deposit. Department prosecutors have never seen a case involving this section and do not believe a reasonable cause finding would result from this scenario.

Because commingling of trust account funds is allowed, within the parameters of this rule, the board is removing old language to eliminate potential confusion or conflict.

With the expansion of secure, acceptable methods of electronic fund transfer, the board concluded there is no need to specify or limit fund disbursement methods.

The board determined there is no need to specify the actual documents to keep as trust account records. The board trusts licensees to maintain adequate records for each account and situation.

Brokers are required to keep accurate and adequate records to document all trust account activities. There is no need to require specific ledgers/records.

NEW RULE 3 SALESPERSON SUPERVISION

(1) Salesperson supervision may be terminated by the supervising broker or salesperson. Upon termination of a supervision:

(a) a salesperson must:

(i) notify the board of a new supervising broker relationship or change to inactive license status within ten days of the board receiving notice of the termination; or

(ii) within ten days of being notified by the board the supervising broker has no active broker license or endorsement, transfer to another supervising broker or change to inactive license status;

(b) a supervising broker must within five calendar days of the termination:

(i) notify all principals in the salesperson's listings or transactions that the supervision has terminated, and the listings and pending transactions are now the supervising broker's responsibility;

(ii) if requested, provide the former supervised salesperson with a statement documenting all real estate transactions involving the salesperson while supervised by the supervising broker, within the three years preceding the request; and

(iii) inform the broker's supervised salespeople when the supervising broker no longer has an active broker license or endorsement.

(2) A supervising broker may temporarily transfer supervision of one or more salespersons to other supervising brokers by providing notice of the temporary transfer to the salesperson.

(a) The notice must include:

(i) name of the transferred salesperson(s);

(ii) effective and termination dates of the transfer; and

(iii) acceptance of supervision responsibility by the temporary supervising broker.

(b) The supervising broker must provide a copy of the transfer notice to the board within three business days after the beginning of the temporary transfer or a late fee will be assessed.

(c) A salesperson not wishing to be temporarily supervised must transfer supervision to a new supervising broker or change to inactive license status.

(d) Temporary transfer of a salesperson may not exceed 60 days in any 12-month period unless extended by the board for good cause.

(e) Supervising brokers may end a temporary transfer prior to the termination date by providing notice to the temporary supervising broker and the board.

(f) A temporary supervising broker must supervise for the agreed length of time and may not transfer supervision to anyone except the original supervising broker.

(g) A salesperson must inform the board within ten days of the death or involuntary, unanticipated incapacity of a supervising broker or temporary

supervising broker. Supervision of the salesperson may be transferred to a new supervising broker or another temporary supervising broker.

(3) A listing agreement negotiated by a salesperson is not valid until it is reviewed, signed, and dated by the supervising broker.

Authorizing statute(s): 37-1-131, 37-51-203, MCA

Implementing statute(s): 37-1-131, 37-51-202, 37-51-301, 37-51-309, 37-51-313, MCA

Reasonable Necessity Statement

The board is repealing ARM 24.210.601 and replacing it with this simplified, streamlined rule to reflect the current processes for salesperson supervision relationships.

The board is amending the supervising broker's requirements when a salesperson's supervision is terminated in (1)(b). Current rule requires "immediate" actions of the supervisor, but does not explain what that means. The board concluded that setting a five-calendar-day time limit for these actions is reasonable and will provide improved enforceability of the provisions.

It is reasonable to amend (2)(b) and change the time in which a supervising broker must provide board notice of a temporary transfer of supervision. Instead of three days prior to the transfer, the board will require notice within three days following the transfer to allow for unexpected circumstances that may drive a temporary transfer. Additionally, the board will no longer require the transferring supervisor's signature in the notice. The board concluded that situations may arise where a transferring supervisor is incapacitated or otherwise unable to sign. The public is adequately protected since the notice must include the acceptance of supervision responsibility by the new supervising broker.

The proposed new rule eliminates all provisions that unnecessarily duplicate statute, including 37-51-102, 37-51-302, and 37-51-309, MCA. The board is striking provisions that reflect out-of-date procedures, such as returning a salesperson's license to the board upon end of a supervisory relationship.

The board is removing the unnecessary provision regarding brokers signing salespersons' applications as this is neither allowed nor required in the current application process. Further, the board does not review or monitor licensees' employment contracts.

The board is striking the provision allowing communication with another agent's clients as this is a contractual term. The board may still consider conduct based on contractual agreements and whether that conduct meets the board's rules and regulations.

It is reasonable to remove the caution that salesperson-negotiated listings are the responsibility of a supervising broker as all salesperson activities are the supervisor's responsibility. It is unhelpful and unnecessary to specify a single type of activity.

REPEAL

The rules proposed to be repealed are as follows:

24.210.426 TRUST ACCOUNT REQUIREMENTS

Authorizing statute(s): 37-1-131, 37-1-319, 37-51-203, MCA

Implementing statute(s): 37-1-131, 37-1-319, 37-51-313, 37-51-321, 37-51-324, MCA

Reasonable Necessity Statement

The board is repealing this rule and replacing it with NEW RULE 2.

24.210.601 GENERAL LICENSE ADMINISTRATION REQUIREMENTS

Authorizing statute(s): 37-1-131, 37-51-203, MCA

Implementing statute(s): 37-1-131, 37-51-202, 37-51-301, 37-51-309, 37-51-313, MCA

Reasonable Necessity Statement

The board is repealing this rule and replacing it with NEW RULE 3.

Small Business Impact

The Montana small businesses that will probably be affected by the proposed rule changes are small businesses that employ licensed real estate brokers and salespersons. The board's changes do not impose new regulatory burdens on Montana small businesses, and make the rules more clear for existing practitioners.

Bill Sponsor Notification

The primary bill sponsor was contacted on August 20, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Sharon Virgin, Chair, Board of Realty Regulation

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-395.1

Summary

Prevailing wage rate adoption for 2026

Hearing Date and Time

Tuesday, December 30, 2025, at 11:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/86071306749

Meeting ID: 860 7130 6749: Password: 5677006503

Dial by Telephone: +1 646 558 8656

Meeting ID: 860 7130 6749; Password: 5677006503

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 23, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.17.127 ADOPTION OF STANDARD PREVAILING RATE OF WAGES

(1) The commissioner's determination of minimum wage rates, including fringe benefits for health and welfare, pension contributions and travel allowance, by craft, classification or type of worker, and by character of project, are adopted in accordance with the Montana Administrative Procedure Act and rules implementing such act.

(a) A notice of proposed adoption of the commissioner's determination is published in the Montana Administrative Register approximately 45 to 60 days prior to adoption.

(b) Adopted wage rates are effective until superseded and replaced by a subsequent adoption.

(c) The wage rates applicable to a particular public works project are those in effect at the time the bid specifications are advertised.

(d) The wage rates proposed and the wage rates adopted are incorporated by reference in respective notices published in the Montana Administrative Register.

(e) The current building construction services rates are contained in the ~~2025 (revised)~~ 2026 version of the "Montana Prevailing Wage Rates for Building Construction Services" publication.

(f) The current nonconstruction services rates are contained in the ~~2025~~ 2026 version of the "Montana Prevailing Wage Rates for Nonconstruction Services" publication.

(g) The current heavy construction services rates are contained in the ~~2025 (revised)~~ 2026 version of the "Montana Prevailing Wage Rates for Heavy Construction Services" publication.

(h) The current highway construction services rates are contained in the ~~2025 (revised)~~ 2026 version of the "Montana Prevailing Wage Rates for Highway Construction Services" publication.

(2) The commissioner maintains a mailing list of interested persons and agencies. A copy of any notice, proposed rate of wages, adopted rates, wages or other information are distributed to each addressee. All others may obtain a copy or be included on the mailing list upon request to the address listed in (3). Copies of adopted wage rates are available at reproduction cost for a period of five years following their effective date.

(3) The standard prevailing rates of wages publications are adopted and incorporated by reference. Copies of the rates are available upon request from the Operations Bureau, Employment Standards Division, Department of Labor and Industry, 301 S. Park Avenue, P.O. Box 8011, Helena, MT 59604, (406) 444-6543, or ~~online at https://erd.dli.mt.gov/labor-standards/state-prevailing-wage-rates/~~ on the department's website.

Authorizing statute(s): 2-4-307, 18-2-409, 18-2-431, MCA

Implementing statute(s): 18-2-401, 18-2-402, 18-2-403, 18-2-406, 18-2-411, 18-2-412, 18-2-413, 18-2-414, 18-2-415, 18-2-422, 18-2-431, MCA

Reasonable Necessity Statement

There is reasonable necessity to update the prevailing wage rates for building construction services, heavy construction services, highway construction services, and nonconstruction services following the annual survey of wages that is provided for in 18-2-413, 18-2-414, and 18-2-415, MCA, respectively. The department surveys employers and applies the methodologies provided by ARM 24.17.119 through 24.17.122 to determine those prevailing wage rates.

24.17.316 WAGE AVERAGING PROHIBITED

(1) A contractor, subcontractor or employer may not reduce an employee's regular rate of pay for work on projects not subject to the prevailing wage rate laws when the reduction in pay has the effect of the employee not receiving the prevailing rate of wage for work performed on the public works project.

(2) As used in this rule, "regular rate" has the same meaning as that defined in ARM ~~24.16.2512~~ 24.16.3016, incorporating by reference 29 CFR 777.108, et seq.

(3) When making a determination of whether a contractor, subcontractor or employer has reduced an employee's regular rate in violation of (1) of this rule, the department shall consider:

(a) the timing of the wage rate reduction;

(b) whether the wage rate reduction was made pursuant to an established plan;

(c) whether the wage rate reduction is applied equally to all employees in similar job classifications;

(d) whether the wage rate reductions are applied to employees employed on public works projects, but not to employees employed only on projects not subject to the prevailing wage rate laws; and

(e) other considerations as the facts and circumstances of a particular matter may reveal.

Authorizing statute(s): 18-2-431, MCA

Implementing statute(s): 18-2-412, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule because the stricken cross-reference was repealed. Instead, the definition of “regular rate” is adopted in ARM 24.16.3016(1)(d) through the adoption of corresponding CFR provisions.

24.17.901 CONTRACT INELIGIBILITY/DEBARMENT

(1) After notice and an opportunity to be heard, the commissioner, acting by and through the department, may determine that a contractor, subcontractor or employer is debarred or ineligible to receive public works contracts for a period of up to three years. A contractor, subcontractor or employer, regardless of entity form, will be determined to be ineligible if the employer aggravatedly, willfully, or with gross negligence violates the provisions of Title 18, chapter 2, MCA, including but not limited to, actions such as:

(a) failing or refusing to pay the prevailing rate of wages to employees employed on public works projects;

(b) failing to respond to inquiries from the department to supply necessary payroll information and generally failing to cooperate in the investigation of the prevailing wage investigation; or

(c) submitting falsified payroll information to the department.

(2) Before placing a contractor, subcontractor or employer on the ineligible debarment list, the commissioner shall serve a notice of intended action upon the contractor, subcontractor or employer in the same manner as service of a summons or by certified mail, return receipt requested. The notice will include:

(a) a reference to 18-2-432, MCA;

(b) a short and concise statement of the matter(s) constituting a violation of Title 18, chapter 2, MCA;

(c) a statement of the party's right to request a contested case hearing and to be represented by counsel at such hearing, provided that any such request must be received by the commissioner in writing within 20 days of service of the notice;

(d) a statement that the party's name will be published on a list of persons ineligible to receive public works contracts or subcontracts, unless the party requests a contested case hearing; and

(e) a statement that failure to make written request to the commissioner for a contested case hearing within the time specified constitutes a waiver of the right to a hearing.

(3) If a contractor, subcontractor or employer makes a timely request for a contested case hearing, a hearing will be held in accordance with the Montana Administrative Procedure Act.

(4) Upon the failure of the contractor, subcontractor or employer to request a contested case hearing within the time specified, the commissioner or the commissioner's designee shall enter an order supporting the ineligibility action.

(5) Debarment applies both to a firm and individuals. In the case of a firm, it may be applied against any or all businesses in which a firm has involvement (i.e., joint ventures), or over which it has ownership or control (i.e., subsidiaries). In the case of an individual, debarment may be applied to and enforced against any and all businesses in which the individual has any level of interest, ownership or control.

(6) If debarred by the federal government or any Montana government agency, a person may not bid on or otherwise participate in any public works project or contract in any capacity (prime contractor, subcontractor, supplier, etc.), including

as a separate contractor, until after the completion of the entire debarment period, whether or not the department debars the individual. Debarment proceedings may continue even if the person ceases doing business during the proceedings.

(7) If an individual is debarred by any agency of the federal government for any period, the department may debar the individual for a period up to that set by the federal government without need for further debarment proceedings. The only evidence required in a debarment hearing in a case based on an existing debarment will be a certified copy of an order, agency letter, or other final action declaring the debarment in the other jurisdiction. Presence of a certified order does not preclude the individual from presenting evidence to dispute the proposed debarment or its length. If the individual is debarred by a branch or agency other than of the Montana or federal governments (i.e., another state, a county, etc.), or if the department may wish a debarment period exceeding that set by the other Montana agency or federal government, the department must hold debarment proceedings before increasing the debarment period.

(8) As used in this rule ~~and ARM 24.17.817~~, the following definitions apply:

(a) "Aggravatedly" means circumstances that, in conjunction with an act or omission in violation of Title 18, chapter 2, MCA, serve to increase the magnitude, enormity or reprehensibleness of the offense, violation, injury or damage.

(b) "Debarment" is an action taken or decision made by an agency, other than temporary determinations of nonresponsibility or suspension, that excludes a person from bidding on or participating in public works projects and contracts.

(c) "Substantial financial interest" means:

(i) an ownership interest, whether directly or indirectly, of at least 20% of the entity; or

(ii) control over the entity, whether directly or indirectly applied, that is greater than any other single person or entity with an ownership interest.

(d) "Willfully" means that the act is done or omitted with a purpose or willingness to commit the act or make the omission. It does not require any intent to violate the law or to gain an advantage. The term has the same meaning as provided by 1-1-204, MCA.

(e) "Gross negligence" means an action involving negligence in excess of ordinary negligence.

Authorizing statute(s): 18-2-431, MCA

Implementing statute(s): 18-2-432, MCA

Reasonable Necessity Statement

There is reasonable necessity to strike the cross reference to ARM 24.17.817 because that rule was repealed in 2022.

Small Business Impact

Construction companies engaged in public works contracts and government entities will be impacted by this rulemaking. There is not expected to be a significant or direct impact on small businesses based on these amendments. Prevailing wage rates are set based on statutorily required and specified survey processes to reflect the wages paid. As a result, the wages adopted are expected to align generally with wages previously paid. Documentation relating to the wage rates is available from the department on request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC SERVICE REGULATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-491.1

Summary

Amendment of ARM 38.5.2202 and 38.5.2302 pertaining to pipeline safety

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No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is two.

Comments

Please reference Docket No. 2025.11.085 when submitting a comment. All comments received by the department are public records. Please do not include confidential or private information in comments. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Montana Consumer Counsel

The Montana Consumer Counsel (MCC) is available and may be contacted to represent consumer interests in this matter. MCC can be contacted by phone at (406) 444-2771; by visiting their office during business hours at 111 North Last Chance Gulch, Suite 1B, Helena, MT 59601; or by mail at P.O. Box 201703, Helena, MT 59620.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 19, 2025, at 5:00 p.m.

Contact

Department of Public Service Regulation
(800) 646-6150
pschelp@mt.gov

General Reasonable Necessity Statement

The proposed amendment of ARM 38.5.2202 and 38.5.2302 is necessary to allow the department to use the most recent version of federal rules applicable to Montana's pipeline safety programs. Regular amendments of these rules are also necessary to remain in compliance with federal funding requirements. The referenced regulations may be reviewed at the department's offices.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

38.5.2202 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS

(1) The commission adopts and incorporates by reference the U.S. Department of Transportation (DOT) Pipeline Safety Regulations, Code of Federal Regulations (CFR), Title 49, chapter 1, subchapter D, parts 191, 192, and 193, including all revisions and amendments enacted by DOT on or before ~~November 22, 2024~~ November 25, 2025. A copy of the referenced regulations may be obtained from United States Department of Transportation, Office of Pipeline Safety, Western Region, 12300 West Dakota Avenue, Suite 110, Lakewood, Colorado 80228, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601.

Authorizing statute(s): 69-3-207, MCA

Implementing statute(s): 69-3-207, MCA

38.5.2302 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS -- DRUG AND ALCOHOL TESTING AND PREVENTION PROGRAMS

(1) Except as otherwise provided in this subchapter, the commission adopts and incorporates by reference the DOT Pipeline Safety Regulations, Drug and Alcohol Testing, 49 CFR 199, including all revisions and amendments enacted by DOT on or before ~~November 22, 2024~~ November 25, 2025. A copy of the referenced CFRs is available from the United States Department of Transportation, Office of Pipeline Safety, Western Region, 12300 West Dakota Avenue, Suite 110, Lakewood, Colorado 80228, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601.

Authorizing statute(s): 69-3-207, MCA

Implementing statute(s): 69-3-207, MCA

Small Business Impact

The rule changes proposed in this notice adopt already existing federal guidelines. The businesses which have a potential to be impacted are pipeline companies. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes will not have a significant and direct impact upon small businesses. This analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list may submit a written request that includes their name and contact information and specifies for which program(s) they wish to receive notices. The department's programs are:

electric utilities, providers and suppliers; natural gas utilities, providers and suppliers; telecommunications utilities and carriers; water and sewer utilities; common carrier pipelines; motor carriers; rail carriers; and administrative procedures. Notices will be sent by email unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the department at the contact information listed above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Terisa Oomens

Approval

Jeff Welborn, President, Public Service Commission

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF PUBLIC EDUCATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-242.2

Summary

Adoption of NEW RULE 1 (10.53.414) through NEW RULE 13 (10.53.426) and repeal of ARM 10.53.401 through 10.53.413 pertaining to English Language Arts and Literacy Content Standards.

Previous Notice(s) and Hearing Information

On August 8, 2025, the Board of Public Education (board) published MAR Notice No. 2025-242.1 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules in Issue Number 15 of the 2025 Montana Administrative Register.

On August 29, 2025, the board held a public hearing to consider the proposed rulemaking.

Final Rulemaking Action – Effective July 1, 2027

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (10.53.414) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR LITERACY PRACTICE FOR GRADES K-12

NEW RULE 2 (10.53.415) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR KINDERGARTEN

NEW RULE 3 (10.53.416) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FIRST GRADE

NEW RULE 4 (10.53.417) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SECOND GRADE

NEW RULE 5 (10.53.418) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR THIRD GRADE

NEW RULE 6 (10.53.419) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FOURTH GRADE

NEW RULE 7 (10.53.420) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FIFTH GRADE

NEW RULE (10.53.421) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SIXTH GRADE

NEW RULE 8 (10.53.422) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SEVENTH GRADE

NEW RULE 9 (10.53.423) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR EIGHTH GRADE

NEW RULE 10 (10.53.424) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR NINTH AND TENTH GRADES

NEW RULE 11 (10.53.425) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR ELEVENTH AND TWELFTH GRADES

NEW RULE 12 (10.53.426) DEFINITIONS

REPEAL

The agency has repealed the following rules as proposed:

10.53.401 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR READING

10.53.402 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR WRITING

10.53.403 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR SPEAKING AND LISTENING

10.53.404 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR LANGUAGE

10.53.405 READING STANDARDS FOR LITERATURE

10.53.406 READING STANDARDS FOR INFORMATIONAL TEXT

10.53.407 READING STANDARDS: FOUNDATIONAL SKILLS

10.53.408 WRITING STANDARDS

10.53.409 SPEAKING AND LISTENING STANDARDS

10.53.410 LANGUAGE STANDARDS

10.53.411 READING STANDARDS FOR LITERACY IN HISTORY/ SOCIAL STUDIES

10.53.412 READING STANDARDS FOR LITERACY IN SCIENCE AND TECHNICAL SUBJECTS

10.53.413 WRITING STANDARDS FOR LITERACY IN HISTORY/SOCIAL STUDIES, SCIENCE, AND TECHNICAL SUBJECTS

Statement of Reasons

No comments were received.

Contact

McCall Flynn
(406) 444-6576
bpe@mt.gov

Rule Reviewer

McCall Flynn

Approval

Dr. Tim Tharp

Board Chair

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF COMMERCE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-408.2

Summary

Amendment of ARM 8.94.3101 and 8.94.3102 pertaining to the Montana Historic Preservation Grant Program (MHPG)

Previous Notice(s) and Hearing Information

On October 10, 2025, the Department of Commerce published MAR Notice No. 2025-408.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 19.

Final Rulemaking Action – Effective December 6, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

8.94.3101 INCORPORATION BY REFERENCE OF RULES FOR THE SUBMISSION AND REVIEW OF APPLICATIONS FOR THE MONTANA HISTORIC PRESERVATION GRANT PROGRAM

8.94.3102 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA HISTORIC PRESERVATION GRANT PROGRAM

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT NO. 1: One commenter suggested that the draft Guidelines and Application indicate a private entity must provide a 1:1 match outside of the total project budget and suggested instead treating the match as part of the total project cost or maintaining the existing 20% of total project cost match requirement for all eligible entities. The commenter also proposed maintaining a $500,000 maximum award amount rather than reducing the cap to $350,000.

RESPONSE NO. 1: The department thanks the commenter for the comment. For-profit entities are not required to provide a 1:1 match outside of the total project budget. HB 756, which amended 22-3-1306, MCA, and was passed during the 2025 legislative session, differentiates between for-profit entities and all other eligible entities, stating that for-profit entities must provide a match equal to $1 for every $1 of grant funding received, not total project cost. Pages 7 and 8 of the draft Guidelines and Application outline the match requirements accordingly, stating that a 1:1 grant match is required for all for-profit entities and a 20% match of the total project cost is required for all other eligible entities. For improved clarity, the Guidelines and Application will be edited to state that "A 1:1 match of grant funding received is required for all for-profit entities."

Regarding the maximum award amount, the department agrees that the need is vast and understands the rising costs associated with preservation activities. Due to the need across the state, the legislative intent, as expressed during the 2023 and 2025 sessions, is to spread the available funding across a wider range of projects. In pursuit of this goal, the legislature has consistently and increasingly opted to grant projects less funding than requested. During the 2025 legislative session, the maximum amount awarded to any project, regardless of request amount, was $350,000. All but 3 of the 31 projects awarded received less funding than requested. To bring applicant expectations and efforts into better alignment with legislative intent, the department declines the request to reconsider the $350,000 cap. Moreover, applicants are asked to include a prioritization of project activities or components with funding amounts requested for each activity to aid legislative decision making regarding partial awards.

COMMENT NO. 2: In both verbal and written remarks, a commenter suggested that a list of eligible activities on page 6 of the Guidelines and Application is more restrictive than required by the amendments to 22-3-1306, MCA. Specifically, 22-3-1306(3), MCA, states that "The criteria may include…," whereas in the draft Guidelines and Application, the "may" has been excluded. The commenter suggested that this implies that only the preservation activities listed are eligible for grant funding.

This commenter also suggested maintaining the $500,000 maximum award amount rather than reducing the cap to $350,000. The commenter noted the rising costs of historic preservation activities and the need across the state for higher level funding.

RESPONSE NO. 2: The department thanks the commenter for the comment. The department disagrees that the absence of "may" in the Guidelines and Application categorically excludes unlisted preservation activities as eligible for grant funding. Rather, the draft Guidelines and Application reflect legislative intent regarding prioritized preservation activities, as expressed

during the 2025 legislative session. While a broader range of preservation activities may technically be eligible, out of respect for applicants' time and efforts, the department wishes to provide guidance to potential applicants regarding which types of preservation projects will be prioritized for funding by the legislature. In response to this comment, the department has changed "include" to "may include" on pages 5 and 6 of the Guidelines and Application but has also added language indicating that projects focused on the listed preservation activities will be prioritized. The department has also added language to the Guidelines and Application encouraging potential applicants to consult with the department to discuss projects involving unlisted preservation activities prior to submitting applications.

Regarding the maximum award amount, please see the second paragraph of the Department's response to Comment No. 1.

COMMENT NO. 3: A third commenter supported the comments made by others regarding the maximum award amount and potential restrictions regarding eligible activities. This commenter also noted that during the last two legislative sessions the long-range planning subcommittee has changed grant criteria after applications were submitted, reviewed, ranked, and recommended. The commenter suggests that changes be considered for future grant cycles rather than applied retroactively.

RESPONSE NO. 3: The department thanks the commenter for the comment. Regarding eligible activities and the maximum award amount, please see the department's response to Comment No. 1.

Regarding the criteria, the department appreciates the time and effort required to prepare and submit applications. Proposed changes to the criteria reflect legislative direction from previous legislative sessions. As in previous cycles, applications will be reviewed, ranked, and recommended according to the criteria outlined in the Guidelines and Application. As a reminder, the department provides funding recommendations, but final decisions, including the decision to retroactively change criteria, are made by the legislature. Feedback concerning the legislative process can be directed to members of the long-range planning subcommittee.

COMMENT NO. 4: A fourth commenter supported the comments made by others regarding the maximum award amount and potential restrictions regarding eligible activities.

RESPONSE NO. 4: The department thanks the commenter for the comment. Please see the department's response to Comment No. 1.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov

Montana Relay: 711

Rule Reviewer

April Armstrong

Approval

Mandy Rambo, Deputy Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-297.2

Summary

The department has adopted the proposed rules in this rulemaking to implement 2025 legislation (SB 238, HB 96, HB 307, and HB 817), to repeal licensing agent and landowner preference rules, and to update and simplify rules concerning current department practices in licensing.

Previous Notice(s) and Hearing Information

On October 10, 2025, the department and the Fish and Wildlife Commission published MAR Notice No. 2025-297.1, pertaining to the public hearing on the proposed amendment, adoption, and repeal of the agency's rules in Issue No. 19 of the 2025 Montana Administrative Register. The public hearing was held on November 10, 2025.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (12.3.506) FREE SPECIAL PERMIT LICENSE FOR A PERSON UNDER THE AGE OF 18 WITH A LIFE-THREATENING ILLNESS

NEW RULE 2 (12.3.516) SUPPORTING BOWHUNTERS WITH DISABILITIES PROGRAM

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

12.3.501 DEFINITIONS

12.3.502 FORMS OF IDENTIFICATION

12.3.503 LIMITATION ON NUMBER OF HUNTING LICENSES

12.3.510 APPRENTICE CERTIFICATE

12.3.512 DONATED LICENSES

12.3.513 REPLACEMENT LICENSES AND PERMITS

12.3.514 ANIMALS UNFIT FOR HUMAN CONSUMPTION

12.3.601 APPLICATION FOR DRAWINGS

12.3.603 BONUS POINTS

12.3.618 DEER PERMITS

12.3.619 ELK PERMITS

12.3.621 MOOSE, SHEEP, AND GOAT - SEVEN-YEAR WAIT REQUIREMENT

12.3.802 PROCEDURE FOR SUBMITTING PROPOSALS AND AWARDING AN AUCTION OR LOTTERY LICENSE

REPEAL

The agency has repealed the following rules as proposed:

12.3.104 ESTABLISHMENT OF PRIORITY FOR LANDOWNERS IN ISSUANCE OF ANTELOPE OR DEER HUNTING LICENSES

12.3.205 REVIEW OF APPOINTMENTS

12.3.209 REGULATIONS FOR ISSUANCE OF LICENSES

12.3.210 DISCOUNT SALE OF HUNTING AND FISHING LICENSES PROHIBITED

12.3.220 LICENSE AGENT APPLICATIONS

12.3.225 LICENSE AGENT ELECTRONIC FUNDS TRANSFER

12.3.230 LICENSE AGENT DUTIES

12.3.235 REVOCATION OR SUSPENSION OF LICENSE AGENT

12.3.617 ANTELOPE LICENSES

Statement of Reasons

No comments were received.

Contact

Emily Cooper
(406) 444-2663
Emily.Cooper@mt.gov

Rule Reviewer

Jaime MacNaughton

Approval

Christy Clark, Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-191.2

Summary

Implementing Senate Bill 319 pertaining to doula licensure and implementing House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On October 10, 2025, the Department of Labor and Industry (agency) published MAR Notice No. 2025-191.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On November 5, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective January 1, 2026

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.139.301) DEFINITIONS

NEW RULE 2 (24.139.403) FEE SCHEDULE

NEW RULE 3 (24.139.501) LICENSE APPLICATION REQUIREMENTS

NEW RULE 4 (24.139.405) SUBSTANTIAL EQUIVALENCY

NEW RULE 5 (24.139.503) SUPERVISION OF LIMITED LICENSE DOULAS

NEW RULE 6 (24.139.505) TRAINING PROGRAMS

NEW RULE 7 (24.139.2301) UNPROFESSIONAL CONDUCT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters requested amendments to NEW RULE 7, stating the rules as proposed are not clear and seem to impose requirements on doulas beyond the scope of practice outlined in NEW RULE 1.

Response 1: The department thanks the commenters and respectfully disagrees with them. Doulas must practice within the bounds of their training, education, and experience, as well as the scope of practice outlined in NEW RULE 1, and must support client communication and referrals within the scope of practice.

Comment 2: One commenter opposed the rules, indicating that regulation of doulas will result in patient needs not being met, due to the individual nature of each situation.

Response 2: The department worked with stakeholders in drafting rules, attempting to set forth the minimum competencies necessary to work as a doula in Montana. The department recognizes that the scope of practice of a doula is not something that is easily reduced to general standards, and a doula's practice will differ depending on the client the doula is providing services to.

Comment 3: One commenter suggested regulation of doulas be limited to those doulas seeking Medicaid reimbursement.

Response 3: The legislature is requiring the department to set licensing standards for doulas. Although the commenter may not like the legislation, the department is required to do so. The commenter's suggestion requires legislation and is outside the scope of this rulemaking.

Comment 4: Several commenters believe the program's proposed language does not address the quality of the educational programs to be recognized, stating the rule should have clear standards and the department should consider requiring accreditation of educational programs.

Response 4: The department worked closely with stakeholders and reviewed existing trainings in setting standards for educational programs. Requiring accredited education at this stage would almost certainly require every doula who has been practicing in Montana to get more education and represents a barrier to entry for already practicing individuals.

Comment 5: Several commenters requested amendments to NEW RULE 7, Unprofessional Conduct, separating ethical standards from enforceable unprofessional conduct standards.

Response 5: The department engaged in extensive stakeholder feedback prior to proposing this rule. While the department thanks the commenters for the input, it is not adopting the recommended changes at this time, but may consider the commenters' feedback in a future rules project. The unprofessional conduct rule is drafted to provide notice as to what conduct is prohibited, not an aspirational goal for doulas to meet.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-197.2

Summary

Implementing House Bill (HB) 76 pertaining to licensure of certified family peer support specialists

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Behavioral Health (agency) published MAR Notice No. 2025-197.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 30, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.219.915) CFPSS TRAINING COURSES

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.219.301 DEFINITIONS

24.219.401 FEE SCHEDULE

24.219.422 GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS

24.219.430 INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, CBHPSS, AND CFPSS

24.219.907 CBHPSS AND CFPSS REQUIREMENTS

24.219.2301 UNPROFESSIONAL CONDUCT AND CODE OF ETHICS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, CBHPSS, CFPSS, AND LCSW, LMSW, LBSW, LCPC, LMFT, AND LAC CANDIDATES

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

24.219.421 SUPERVISOR QUALIFICATIONS

(1) Licensure candidates, CBHPSS, and CFPSS must be supervised per the requirements of this rule and ARM 24.219.504, 24.219.604, 24.219.704, and 24.219.5008.

(2) Except as provided below, all supervisors must:

(a) have an active license in good standing in the jurisdiction in which the supervision is occurring; and

(b) meet one of the below criteria:

(i) have been licensed in their respective disciplines for at least three years, excluding any period of licensure as a candidate; or

(ii) have taken board-approved training consisting of a minimum of one semester credit graduate education focused on supervision or 20 hours of board-approved training in supervision.

(3) LCSW, LCPC, and LMFT candidates must be supervised by an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist.

(4) LMSW candidate supervisors must be licensed as an LCSW or LMSW.

(5) LBSW candidate supervisors must have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LMSW, or LBSW. If the supervisor is an LBSW the supervisor must have been licensed for at least three years as an LBSW. An LBSW may not take supervision courses to qualify to supervise LBSW candidates.

(6) LAC candidate supervisors must be:

(a) licensed as an LAC and have an active license in good standing in the jurisdiction in which the supervision is occurring with a minimum of three years post-licensure experience in a qualified treatment setting as defined in ARM 24.219.5010; or

(b) trained in a related field. If trained in a related field:

(i) the supervisor must have taken board-approved training consisting of a minimum of one semester credit graduate education focused on supervision or 20 hours of board-approved training in supervision; and

(ii) the supervisor must have training equivalent to that described in ARM 24.219.5006(2)(b).

(7) CBHPSS and CFPSS supervisors must have an active license in good standing in the jurisdiction in which the supervision is occurring as a mental health professional as defined by 37-39-102, MCA.

(8) A supervisor shall not:

(a) be the candidate's, CBHPSS's, or CFPSS's parent, child, spouse, or sibling; or

(b) have a conflict of interest such as, but not limited to, being in a cohabitation or financially dependent relationship.

Authorizing statute(s): 37-1-131, 37-39-201, MCA

Implementing statute(s): 37-1-131, 37-39-202, 37-39-307, 37-39-308, 37-39-309, 37-39-310, 37-39-311, 37-39-312, MCA

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: One commenter requested the department create a process to allow incarcerated individuals to gain their peer support certification.

Response 1: This request is outside the scope of this rulemaking process. However, the department does not create peer support training, either for certified behavioral health or family peer support specialists. Nothing in the board's rules or regulations limit training to nonincarcerated individuals. However, the board's current rule to achieve certification requires two years of recovery, which may not include periods of incarceration.

Comment 2: One commenter suggested the board amend ARM 24.219.421 to require supervisors to have been licensed at least three years and take a supervision course.

Response 2: When the board originally adopted the requirements for supervisors in 2011, it elected to require three years of practice or 20 hours of training. The board indicated locating qualified supervisors could be difficult in a rural state such as Montana, and did not wish to impose an extra burden on practitioners seeking to work in rural areas. While the board cannot make the change as part of this proposal, it agrees with the commenter and is working on a new rules project.

Comment 3: One commenter noted the word "not" is missing from ARM 24.219.421(8)(b).

Response 3: The board agrees with the commenter and inserts the word "not" so the rule reads: (b) have a conflict of interest such as, but not limited to, being in a cohabitation or financially dependent relationship.

Comment 4: One commenter asked for clarification on whether an employer/supervisor would be in a financially dependent relationship with an employee/supervisee.

Response 4: The board does not believe a regular employer/employee relationship constitutes a financially dependent relationship and does not believe clarification is needed.

Comment 5: Two commenters expressed concern that mental health professionals would be supervising peers working with stand-alone physical health conditions.

Response 5: The legislature has stated that licensees of this board may supervise family peer support specialists, who support parents or guardians of children who may have significant physical needs. Peer support specialists are limited to providing support, mentoring guidance, and advocacy to parents or guardians. Peer support specialists and supervisors are responsible for understanding the limits of their education, training, and experience in providing the support. No peer support specialists should be making decisions regarding the medical needs of the child, and the child is not the client or the patient of either the peer support specialist or the supervisor. Rather, the peer support specialist is focused on the parent/guardian's needs, including referring to medical professionals as needed.

Comment 6: Several commenters were concerned about the amount of face-to-face supervision required, stating that one hour of supervision for every 20 hours of work was not financially feasible for organizations. The commenters suggested one hour of supervision for 20 hours of direct patient work.

Response 6: The board has not previously drawn distinctions between patient care and other functions of a peer support specialist. The board believes the current level of supervision is necessary to protect public safety. The board does allow licensees to request less frequent supervision and encourages the commenters to take advantage of that provision, rather than setting more complicated hour requirements in rule.

Comment 7: One commenter noted that the board is the only board with DUI convictions listed in its unprofessional conduct rule and requests the board strike that provision.

Response 7: The board retains discretion to determine whether a specific DUI conviction constitutes unprofessional conduct under its rules. There is no automatic discipline on a license for receiving a DUI. The board may consider this in a future rulemaking project.

Comment 8: One commenter notes that, in relation to ARM 24.219.2301(2)(k), screening for autism is a psychological assessment.

Response 8: The board appreciates all comments made during the rulemaking process.

Comment 9: One commenter asked if family peer support specialists could be evaluated and treated as certified behavioral health peer support specialists for purposes of billing Medicaid.

Response 9: This question is beyond the scope of this rulemaking project. The board has no jurisdiction over insurance billing questions and may only make administrative rules within the statutes enacted by the legislature. The board recommends the commenter contact the Department of Public Health and Human Services (DPHHS).

Comment 10: One commenter requested APRNs with psychiatric mental health care training, MDs, and master's level social workers, professional counselors, and marriage and family therapists be added to the list of professionals who may supervise an addiction counselor candidate.

Response 10: The board has long accepted non-LAC supervisors who demonstrate adequate training in addiction under ARM 24.219.421(6)(b).

Comment 11: One commenter requested clarification on how the board approves training programs, and what the requirements for training courses under the new rule are.

Response 11: Entities wishing to provide relevant training submit the course content to the board for review. The board reviews the course content during a board meeting. Specifically, all trainings must be at least 40 hours in length, covering the topics listed, and must include an examination to be passed as part of the course.

Comment 12: One commenter expressed frustration that the board did not publicly notice the rules proposal, noting that the commenter did not receive an email notice.

Response 12: The board complied with all public notice requirements, including sending notice of the proposal to the board's interested parties list. The board encourages all interested persons to sign up for the interested parties list at https://dli.mt.gov/rules and to confirm their email addresses are correct on the interested parties list. Rules hearings are also listed at dli.mt.gov/rules.

Comment 13: Several commenters requested family peer support specialists be billed to Montana Medicaid if done by telehealth appointment.

Response 13: The board does not have the ability to regulate Medicaid. The commenter needs to consult DPHHS for proper insurance billing practices.

Comment 14: Several commenters asked if peer support specialists need to remain in the agency that trains them, or if peer support specialists can work for different agencies.

Response 14: The board's requirements set out the need for supervision of the peer support specialist. Whether that occurs in one agency or several agencies is up to the individual peer support specialist and their supervisor. Additionally, training may be provided by entities other than agencies who employ peer support specialists. If a peer support specialist transfers agencies, the peer support specialist and supervisors must update the supervisory relationship with the board.

Comment 15: Several commenters requested the board use the recovery-based model of peer support, and also allow peer support specialists to assist in filling out applications for services or waivers in every community setting in Montana.

Response 15: The legislature has set the scope of practice for family peer support specialists. The board has proposed areas of education necessary to fulfill that scope of practice. The legislature did not indicate that family peer support specialists needed to be in recovery, but rather that they have the lived experience necessary to support another parent or guardian in a similar situation. The individual peer supporter and their supervisor should determine which tasks, within the scope of practice, are best suited to the peer supporter's skills, education, and experience.

Comment 16: Several commenters requested supervision be offered by those who are accredited in mental health supervision.

Response 16: The legislature set the requirement that family peer support specialists be supervised by a mental health professional, as that term is defined in statute.

Comment 17: Several commenters requested the board set specific tasks and time limits and outline them for peer supporters, supervisors, consumers, and families.

Response 17: The legislature set the scope of practice. The board recognizes that every family situation is different, and as long as the services provided by peer support specialists fall within the scope of practice as set by the legislature, the board believes the peer supporter and the supervisor have the responsibility of communicating what services are available to consumers and parents.

Comment 18: Several commenters noted that supervisors should have knowledge of counseling techniques and various disciplines, but have experience with recovery models and lived experience paradigms that family peer support specialists will be providing.

Response 18: The board thanks the commenters for the suggestions. The board's supervisor qualifications are set out in ARM 24.219.421 and in 37-39-102, MCA. If a licensee chooses to supervise, the board expects the licensee to be minimally competent to provide sufficient supervision.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Annette Beaudry, LCSW, Chair, Board of Behavioral Health

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF PHARMACY
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-206.2

Summary

Implementing House Bills (HB) 246, 414, and 794 and Senate Bill (SB) 456

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Pharmacy (agency) published MAR Notice No. 2025-174.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 24, 2025, in Issue No. 20 of the Register, the Board of Pharmacy published MAR Notice No. 2025-206.1, a supplemental notice to the original notice that explained that the original notice was not numbered correctly.

On October 31, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.174.2001) DEVICE, DURABLE MEDICAL EQUIPMENT, AND MEDICAL GAS SUPPLIER LICENSURE REQUIREMENTS FOR A NON-PHARMACY FACILITY

NEW RULE 2 (24.174.2002) DEVICE NON-PHARMACY FACILITY REQUIREMENTS

NEW RULE 3 (24.174.511) SUBSTANTIAL EQUIVALENCY

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.174.301 DEFINITIONS

24.174.401 FEE SCHEDULE

24.174.411 PHARMACIST MEAL/REST BREAKS

24.174.503 ADMINISTRATION OF VACCINES BY PHARMACISTS, INTERNS, AND PHARMACY TECHNICIANS

24.174.526 CLINICAL PHARMACIST PRACTITIONER QUALIFICATIONS AND REQUIREMENTS

24.174.701 PHARMACY TECHNICIAN LICENSE REQUIREMENTS

24.174.703 USE AND TRAINING OF PHARMACY TECHNICIANS

24.174.711 RATIO OF PHARMACY TECHNICIANS AND INTERNS TO SUPERVISING PHARMACISTS

24.174.715 TECH-CHECK-TECH PROGRAM

24.174.803 CHANGE IN LOCATION

24.174.804 CHANGE IN OWNERSHIP

24.174.823 CENTRALIZED FILLING AND REMOTE ORDER PROCESSING OF PRESCRIPTIONS IN COMMUNITY PHARMACIES

24.174.835 TRANSFER OF PRESCRIPTIONS

24.174.1001 LICENSURE OF OUT-OF-STATE MAIL ORDER PHARMACIES

24.174.1003 IDENTIFICATION OF PHARMACIST-IN-CHARGE OF DISPENSING TO MONTANA

24.174.1004 CHANGE IN LOCATION AND CHANGE IN OWNERSHIP

24.174.1009 COMPLIANCE

24.174.1201 WHOLESALE DISTRIBUTOR AND THIRD-PARTY LOGISTICS PROVIDER LICENSING

24.174.1202 MANUFACTURER AND REPACKAGER LICENSING

24.174.1204 MEDICAL GAS DISTRIBUTOR

24.174.1205 MEDICAL GAS SUPPLIER

24.174.1207 CHANGE IN LOCATION AND CHANGE IN OWNERSHIP

24.174.1801 QUALIFICATIONS FOR DISPENSER REGISTRATION

24.174.1802 DISPENSING REQUIREMENTS

24.174.1803 DISPENSER RECORDKEEPING REQUIREMENTS

REPEAL

The agency has repealed the following rules as proposed:

24.174.704 PHARMACY TECHNICIAN TRAINING

24.174.705 TASKS AND FUNCTIONS OF PHARMACY TECHNICIAN

24.174.712 APPLICATION FOR APPROVAL OF UTILIZATION PLAN

24.174.713 CONTENTS OF TRAINING COURSE

24.174.714 INSPECTION OF UTILIZATION PLAN AND TRAINING RECORD

24.174.1002 CONDITIONS OF REGISTRATION

24.174.1005 CHANGE IN OWNERSHIP

24.174.1008 USE OF PHARMACY TECHNICIANS BY OUT-OF-STATE MAIL SERVICE PHARMACIES

24.174.1208 CHANGE IN OWNERSHIP

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters opposed a proposed deletion in ARM 24.174.526(1)(f), regarding clinical pharmacist practitioner applications, requesting that the Board of Medical Examiners continue to review and approve the collaborative practice agreements and applications.

Response 1: The Board of Medical Examiners, in collaboration with the Board of Pharmacy, will still review applications under new proposed language in (1)(a) of the rule. To clarify the

application review process, clinical pharmacist practitioner applicants must submit a collaborative practice agreement, pursuant to ARM 24.174.526(1)(e). However, such agreements are approved by the practitioner(s) and the pharmacist(s) who are parties to the agreement, not by the Board of Pharmacy or the Board of Medical Examiners, as described in ARM 24.174.524, regarding collaborative practice agreement requirements.

Comment 2: Numerous commenters expressed support for the proposed changes, noting that the changes reduce the administrative burden on pharmacies and pharmacists.

Response 2: The board appreciates all comments received during the rulemaking process.

Comment 3: Several commenters requested the board consider allowing medical practitioners who are registered dispensers to mail prescriptions to their patients.

Response 3: The board appreciates the comments and may consider this as part of its next rulemaking package.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Jeff Nikolaisen, Pharmacist, Presiding Officer, Board of Pharmacy

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-22.2

Summary

Rule changes due to 2023 and 2025 legislation pertaining to the Private Security Program

Previous Notice(s) and Hearing Information

On October 10, 2025, the Department of Labor and Industry (agency) published MAR Notice No. 2025-22.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 30, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective December 6, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.182.301 DEFINITIONS

24.182.401 FEE SCHEDULE

24.182.403 PHOTO IDENTIFICATION CARD

24.182.405 INSURANCE AND SURETY BOND REQUIREMENTS

24.182.407 PRIVATE SECURITY GUARD UNIFORM AND PROPERTY BRANDING

24.182.507 PROVISIONAL PERMIT – PRIVATE INVESTIGATOR TRAINEES

24.182.514 PRIVATE SECURITY GUARD

24.182.807 PRIVATE SECURITY GUARD TRAINING PROGRAM

24.182.2301 UNPROFESSIONAL CONDUCT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters expressed concern with the proposed changes to uniforms and branding, indicating that they provide security for high net worth individuals and requiring brightly colored clothing labeled "security" would be a significant change in the services the businesses provide.

Response 1: A private security guard is defined in 37-60-101, MCA, as an individual "to protect persons or property or to direct public movement in public areas." A person providing transportation and bodyguard work for an individual meets that definition. The department understands bodyguards may not wish to stand out and will begin a rulemaking project to address the concerns shortly.

Comment 2: Several commenters suggested that carrying identification as a licensed security guard is sufficient when doing bodyguard or plainclothes work.

Response 2: The department will begin a new rule project, based on public comment and input from this project, to address plainclothes work.

Comment 3: One commenter opposed requiring armed carrier services to display high visibility or block lettering, indicating that would present a significant safety risk due to the high value assets they transport.

Response 3: The department thanks the commenter for the suggestion, and will research standard practices and regulations in other jurisdictions regarding armed carrier services to determine if a rule change is necessary.

Comment 4: One commenter requested an update to ARM 24.182.403(1)(a) to reflect the changes in (1)(c), to allow private investigators to either wear or carry their identification cards.

Response 4: The department agrees, and will undertake the change in an upcoming rules project.

Comment 5: One commenter expressed opposition to removing the requirement that a private security guard work for a private security company.

Response 5: Senate Bill 198 removed the requirement that security guards work for security firms. The department is updating program rules accordingly.

Comment 6: One commenter requested the department update insurance requirements to include professional liability insurance.

Response 6: The program has long required general commercial liability insurance for security companies. In order to address private security guards who may not work for private security companies, the department is setting a similar requirement for security guards to have insurance. Individual licensees are permitted to obtain insurance that suits their practice best. The department will consider the commenter's suggestion and may include it in a future rulemaking package.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-266.2

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On October 24, 2025, the Board of Professional Engineers and Professional Land Surveyors (agency) published MAR Notice No. 2025-266.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 20.

On November 13, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.183.412) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Troy Jensen, Chair, Board of Professional Engineers and Professional Land Surveyors

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-347.2

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On October 10, 2025, the Board of Veterinary Medicine (agency) published MAR Notice No. 2025-347.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 30, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.225.406) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Katie Rein, D.V.M., Chair, Board of Veterinary Medicine

MONTANA
ADMINISTRATIVE
REGISTER

MONTANA TAX APPEAL BOARD

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-365.2

Summary

Procedures for an informal review of class four residential property

Previous Notice(s) and Hearing Information

On October 10, 2025, the Montana Tax Appeal Board published MAR Notice No. 2025-365.1 pertaining to the public hearing on a proposed new rule in the 2025 Montana Administrative Register, Issue Number 19.

A hearing was held on October 31, 2025.

Final Rulemaking Action – Effective December 6, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (2.51.501) CLASS FOUR RESIDENTIAL PROPERTY APPEALS; OPTIONAL INFORMAL REVIEW

Statement of Reasons

No comments were received.

Contact

Montana Tax Appeal Board
406-444-9570
mtab@mt.gov

Rule Reviewer

Travis Brown

Approval

Travis Brown, Chair, Montana Tax Appeal Board

MONTANA
ADMINISTRATIVE
REGISTER

STATE LOTTERY AND SPORTS WAGERING COMMISSION
DEPARTMENT OF ADMINISTRATION

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-272.2

Summary

The State Lottery and Sports Wagering Commission is proposing to adopt and amend administrative rules to address bulk ticket purchases.

Reason for Supplemental Notice

On October 24, 2025, the State Lottery and Sports Wagering Commission (Lottery Commission) published MAR Notice No. 2025-272.1 in the 2025 Montana Administrative Register, Issue No. 20.

In accordance with the published notice, members of the public were invited to submit written comments and/or a request for a public hearing on the proposed rulemaking by November 21, 2025. The notice also indicated that a public hearing would be scheduled if more than 25 requests for a hearing were received.

The Lottery Commission has received more than 25 requests for a public hearing regarding the proposal notice. Accordingly, this notice serves to inform interested parties that a public hearing has been scheduled as provided in this notice.

Furthermore, the Lottery Commission is extending the period for submission of written comments concerning Notice No. 2025-272.1. Persons who have previously submitted comments do not need to resubmit them; however, new or additional comments may now be submitted until the date provided in this notice.

Hearing Date and Time

Monday, January 5, 2026, at 1:00 p.m.

Hearing Information

The hearing will be held in the conference room at Montana Lottery, 2525 North Montana Avenue, Helena, MT 59601.

Comments

Comments must be received by Monday, January 5, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, December 29, 2025, at 5:00 p.m.

Contact

Heather Bernet
(406) 841- 2922
heather.bernet@mt.gov
Montana Relay: 711

Interested Persons

The Department of Administration (department) maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Lottery. Persons who wish to have their name added to the mailing list must make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding Lottery rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in the notice or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Don Harris

Approval

Leo Prigge, Chair